

George Haines, Esq.
Nevada Bar No. 9411
David Krieger, Esq.
Nevada Bar No. 9086
HAINES & KRIEGER, LLC
5041 N. Rainbow Blvd.
Las Vegas, NV 89130
Phone: (702) 880-5554
FAX: (702) 385-5518
Email: info@hainesandkrieger.com
Attorney for Michael & Monica Siwiec

E-FILED: June 9, 2011

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re:) Case No. BKS-09-19905-MKN
) Chapter 13
)
)
Michael & Monica Siwiec,) Hearing Date: July 21, 2011
) Hearing Time: 2:30 pm
)
Debtor(s).)
)
)
)

**APPLICATION FOR COMPENSATION AND
REIMBURSEMENT OF EXPENSES NO. 1**

1. **INCORPORATION OF CHAPTER 13 GUIDELINES:** This application incorporates the Chapter 13 Guidelines for applications for attorney fees and reimbursement of expenses.
2. **APPLICANTS' REPRESENTATIONS:** The undersigned applicant hereby represents:
(a) that all basic services have been satisfactorily performed and basic fees and expenses earned (if applicable); (b) that this application seeks only fees and expenses for services rendered in addition to basic services and expenses (if applicable); (c) that the fees and expenses sought in this application will not be shared with any other entity; and (d) that unless otherwise explained below, or in any attached exhibits, applicant reasonably believes this is a final application for fees and expenses for services performed to date.
3. **COMPENSATION AND EXPENSES SOUGHT IN THIS APPLICATION.** This application seeks compensation and reimbursement of expenses in the amount of \$7,153.50 as detailed in the attached Exhibit.
4. **NARRATIVE DESCRIPTION OF SERVICES:** This application seeks compensation and expenses for the following services:

- (X) basic services
- () additional claims resolution
- () motion(s) to lift stay
- () motion to sell/purchase/refinance property
- () motion to dismiss
- () modification of plan
- () adversary proceeding
- () resolution of business valuation
- () objections to claim(s)
- () resolution of tax claims
- () preparation of tax returns
- () motion to approve settlement
- () motion to Retain Tax Refund
- () motion to Avoid Lien/Mortgage
- (X) preparation of fee application
- () other: See Attached Exhibit of Fees and Case Activity

5. **TOTAL FEES AND EXPENSES:** The total fees and expenses sought in this case are as follows:

- a. Total Fees Earned to Date (based on Retainer Agreement): \$7,153.50
- b. Less fees paid directly by debtor to law firm: \$2,000.00
- e. Total fees and expenses sought in this case to be
disbursed by Chapter 13 Trustee (not including
fees paid directly by Debtor): **\$5,153.50**

6. **PAID BY DEBTOR:** The Debtor has paid directly to attorney \$2,000.00. These fees were disclosed previously through the debtor's chapter 13 plan and in the debtor's Statement of Financial Affairs. The chapter 13 Trustee will pay all fees and expenses previously ordered by the Court plus fees approved in this application.

7. Fees awarded through this application shall be paid as an administrative priority claim. The trustee shall commence disbursements of the awarded fees immediately upon entry of an Order awarding fees to Debtor's Counsel and shall continue disbursements until such award of fees is paid in full.

Dated: June 9, 2011

/s/David Krieger, Esq.
David Krieger, Esq.
Attorney for Debtor

<u>FEE APPLICATION COSTS AND ATTORNEY TIME ALLOCATION</u>					
<u>In re Michael and Monica Siwiec, Case No. 09-19905</u>					
	<u>Date</u>	<u>Time Spent By Attorney, Law Clerk, or Paralegal</u>			
		<u>Partner</u>	<u>Associate</u>	<u>J.D. Clerk</u>	<u>Paralegal</u>
<u>BASIC CHAPTER 13 SERVICES</u>					
Initial Consultation	6/1/2009	1.0			
Scan in Intake/Consult Interview Sheet for Conflicts Reference	6/1/2009				0.2
Meet with Client to Open File and Retain Office	6/1/2009				0.3
Review Intake Sheet and Provide Client a "Document Needed" List	6/1/2009				0.2
Review 521(i) Disclosures and Retainer with Client	6/1/2009				0.1
Set Up Client File in Best Case and Obtain Client's Credit Report	6/1/2009				0.2
Obtain Client's Lien and Asset Searches	6/1/2009				0.3
Review Credit/Asset Reports with Client	6/1/2009				0.2
Set Up Client File In Amicus Attorney	6/1/2009				0.5
Set up Physical Client File and Intake Sheet	6/1/2009				0.3
Draft/Mail Client Retainer Letter and Instructions to File BK	6/2/2009	0.5			
Signing: Review Credit Counseling Cert for 180 Bar Date	6/9/2009				0.1
Organize and Review Income Advices	6/9/2009				0.3
Prepare Pay Advice Analysis for Attorney Review	6/9/2009				0.3
Organize and Review Bank Statements	6/9/2009	0.2			0.3
Review Tax Withholdings for prior year	6/9/2009	0.1			0.1
Obtain IRS withholding Information IRS Tax Calculator	6/9/2009				0.2
Review Tee Questionnaire w/client	6/9/2009	0.5			
Draft Schedules A through J, SOFA and 2016 Disclosure	6/9/2009			0.8	
Draft/Prepare CMI for Attorney Review	6/9/2009			0.3	
Draft Preliminary Hand Written Chapter 13 Plan	6/9/2009			0.3	
Complete/Review/Revise Means Test/CMI with Client	6/9/2009	0.3			
Attorney Review of Schedules and Plan with Client	6/9/2009	0.5			
Draft/Review Plan #1 With Client and Explain Terms of Plan	6/9/2009	0.5			

Draft Simplified Plan for Client and provide Client Copy	6/9/2009	0.3			
Final Atty Case Review of Schedules, CMI, and Plan before e-filed	6/9/2009	0.5			
Case is Efiled	6/10/2009				0.2
Review Docket for Judge/Tee/Case#/341 Dates/ConfDates	7/26/2009				0.1
Calendar Important Case Dates in Amicus	6/12/2009				0.2
Draft/Review filed letter/341&Conf dates	6/12/2009	0.5			
Client Email Infomration is Updated in Aweber for I-notices	6/12/2009				0.1
Call Client Re: 341 hearing and Advise of Doc's Needed	7/27/2009				0.1
Pre-Review case for 341 Hearing	7/27/2009	0.3	0.3		
341 Hearing	7/28/2009		0.5		
Provide Client Pre-Confirmation Letter and TSOP Instructions	8/16/2009	0.5			
Review TSOP and Make notes to File	8/16/2009	0.4			
Discuss/Resolve TSOP Issues with Client	8/16/2009			0.3	
Pre-Review Case for pre-conf. Meeting at Tee's Office	8/19/2009	0.5			
Meet with Trustee to Resolve TSOP/Confirmation Issues	8/20/2009	0.3			
Pre-Confirmation hearing	8/20/2009		0.2		
Confirmation hearing	8/20/2009		0.1		
Review Confirmation notes	8/21/2009	0.2			
Pre-Review Case for pre-conf. Meeting at Tee's Office Plan 2	2/4/2010	0.5			
Meet with Trustee to Resolve TSOP/Confirmation Issues	2/4/2010	0.3			
Pre-Confirmation hearing	2/4/2010		0.2		
Confirmation hearing	2/4/2010		0.1		
Review Confirmation notes	2/5/2010	0.2			
Pre-Review Case for pre-conf. Meeting at Tee's Office Plan 2	3/4/2010	0.5			
Meet with Trustee to Resolve TSOP/Confirmation Issues	3/4/2010	0.3			
Pre-Confirmation hearing	3/4/2010		0.2		
Confirmation hearing	3/4/2010		0.1		
Review Confirmation notes	3/5/2010	0.2			
Pre-Review Case for pre-conf. Meeting at Tee's Office Plan 2	8/5/2010	0.5			
Meet with Trustee to Resolve TSOP/Confirmation Issues	8/5/2010	0.3			

Pre-Confirmation hearing	8/5/2010		0.2	
Confirmation hearing	8/5/2010		0.1	
Review Confirmation notes	8/6/2010	0.2		
Pre-Review Case for pre-conf. Meeting at Tee's Office Plan 2	9/30/2010	0.5		
Meet with Trustee to Resolve TSOP/Confirmation Issues	9/30/2010	0.3		
Pre-Confirmation hearing	9/30/2010		0.2	
Confirmation hearing	9/30/2010		0.1	
Review Confirmation notes	10/1/2010	0.2		
Pre-Review Case for pre-conf. Meeting at Tee's Office Plan 2	12/9/2010	0.5		
Meet with Trustee to Resolve TSOP/Confirmation Issues	12/9/2010	0.3		
Pre-Confirmation hearing	12/9/2010		0.2	
Confirmation hearing	12/9/2010		0.1	
Review Confirmation notes	12/9/2010	0.2		
Pre-Review Case for pre-conf. Meeting at Tee's Office Plan 2	1/20/2011	0.5		
Meet with Trustee to Resolve TSOP/Confirmation Issues	1/20/2011	0.3		
Pre-Confirmation hearing	1/20/2011		0.2	
Confirmation hearing	1/20/2011		0.1	
Review Confirmation notes	1/21/2011	0.2		
Pre-Review Case for pre-conf. Meeting at Tee's Office Plan 2	3/3/2011	0.5		
Meet with Trustee to Resolve TSOP/Confirmation Issues	3/3/2011	0.3		
Pre-Confirmation hearing	3/3/2011		0.2	
Confirmation hearing	3/3/2011		0.1	
Review Confirmation notes	3/4/2011	0.2		
Review Confirmation notes	4/14/2011	0.2		
Pre-Review Case for pre-conf. Meeting at Tee's Office Plan 2	4/14/2011	0.5		
Meet with Trustee to Resolve TSOP/Confirmation Issues	4/14/2011	0.3		
Pre-Confirmation hearing	4/14/2011		0.2	
Confirmation hearing	4/14/2011		0.1	
Review Confirmation notes	4/15/2011	0.2		
Pre-Review Case for pre-conf. Meeting at Tee's Office Plan 2	6/8/2011	0.5		

Meet with Trustee to Resolve TSOP/Confirmation Issues	6/9/2011	0.3			
Pre-Confirmation hearing	6/9/2011		0.2		
Confirmation hearing	6/9/2011		0.1		
Review Confirmation notes	6/10/2011	0.2			
<u>COMMUNICATIONS:</u>					
6/4/09,7/27/09,8/16/09,10/08/09,1/18/10,2/05/10,5/14/10				1.0	
3/29/11 (Docs, court times, info on mortgage)					
<u>DOCKET REVIEW</u>					
<u>AMENDMENTS TO SCHEDULES</u>					
<u>FEE APPLICATIONS</u>					
Prepare Fee Application	6/8/2011	1.0			1.0
Fee App Hearing			0.1		
<u>TOTAL BILLABLE ATTORNEY TIME SPENT (in hours):</u>		<u>17.3</u>	<u>3.9</u>	<u>2.7</u>	<u>5.3</u>
<u>CASE RELATED COSTS</u>					
Filing fee		\$274.00			
Accurint Asset Search		\$15.00			
OCI 3 Source Credit Report		\$50.00			
Fee App Mailing Costs		\$75.00			
Total Case Related Costs Incurred to Date		\$414.00			
<u>BILLED TIME AND COSTS</u>					
Total Attorney/Support Staff Billable Hours		17.30	3.90	2.7	5.3
Attorney Hourly rate	x	\$275.00	250.00	\$150	\$115
Total Professional Fees Earned/Expected to Date (by Category)		<u>\$4,757.50</u>	<u>\$975.00</u>	<u>\$397.50</u>	<u>\$609.50</u>
Total Professional Fees		\$6,739.50			

Total Case Related Costs Incurred to Date	+	\$414.00			
Total Fees and Case Related Costs Earned to Date		\$7,153.50			
Total Fees/Costs Paid by Debtor to Date	-	\$2,000.00			
Voluntary Fee Reduction	-				
Total Compensation Sought through Chapter 13 Trustee Pmts		\$5,153.50			
Blended Hourly Rate		\$231.20			

EXHIBIT: FORM OF ORDER

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) Chapter 13
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Michael & Monica Siwiec,) Hearing Date: July 21, 2011
) Hearing Time: 2:30 pm
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Debtor(s).)
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**ORDER APPROVING APPLICATION FOR COMPENSATION AND
REIMBURSEMENT OF EXPENSES NO. 1**

**THE APPLICATION FOR COMPENSATION AND REIMBURSEMENT
OF EXPENSES** filed by the above-named Debtor's attorney, having come on for hearing
on the date and time referenced above, the Court having considered any objections filed
or raised at the hearing, it is hereby:

THE COURT HEREBY FINDS AND ORDERS that compensation and expenses in the amount of \$7,153.50 have been earned by Haines & Krieger in this proceeding of which the debtors herein have already paid \$2,000.00 directly to Haines & Krieger and the amount of **\$5,153.50** shall be paid through the Chapter 13 trustee to debtor's counsel in the instant matter.

IT IS FURTHER ORDERED that Debtor's counsel may retain fees in the amount of \$2,000.00, which were paid directly by Debtor to Counsel.

IT IS FURTHER ORDERED that fees awarded through this application shall be paid as an administrative priority claim. The trustee shall commence disbursements of the awarded fees immediately upon entry of an Order awarding fees to Debtor's Counsel and shall continue disbursements until such award of fees is paid in full.

Dated: June 9, 2011

/s/David Krieger, Esq.
David Krieger, Esq.
Attorney for Debtor

ALTERNATIVE METHOD re: RULE 9021:

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ This is a Chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

APPROVED:

DISAPPROVED:

FAILED TO RESPOND:

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.###